

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

FRANCISCO BARROSO,

Defendant-Appellant.

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UNPUBLISHED

May 19, 1998

No. 198876

Calhoun Circuit Court

LC No. 96-001727 FC

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka\*, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to three counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), and was sentenced to three concurrent terms of life imprisonment. Defendant appeals as of right. We affirm.

Although defendant's life sentences constitute a departure from the sentencing guidelines' range, the sentences do not violate the principle of proportionality, particularly where defendant's pleas were secured in exchange for the dismissal of six charges of first-degree criminal sexual conduct, three counts of second-degree criminal sexual conduct, and one count of engaging a child in child sexually abusive activity for the purpose of producing child sexually abusive material, and where the guidelines' range does not adequately reflect the substantial number of incidents of sexual abuse inflicted on the victim, the three-year duration of the sexual abuse, and the degree of psychological injury inflicted on the victim. *People v Lemons*, 454 Mich 234, 259-260; 562 NW2d 447 (1997); *People v Houston*, 448 Mich 312; 532 NW2d 508 (1995).

We affirm.

/s/ Richard A. Bandstra

/s/ Barbara B. MacKenzie

/s/ Nick O. Holowka

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\* Circuit judge, sitting on the Court of Appeals by assignment.

